COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: October 15, 2002

OFFICE CORRESPONDENCE FILE:

FROM: RICHARD L. CASTRO, COMMANDER
TRAINING DIVISION

TO: ROBERT L. BINKLEY, CAPTAIN
INDUSTRY STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, OCTOBER 6, 2001, IAB REVIEW #2047138**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on October 6, 2001.

The Committee met on October 12, 2002, and consisted of myself, Commander David Betkey (Commander of the Department) and Commander William McSweeney (Office of the UnderSheriff). The Committee determined that the use of force by Deputies Sean Heieck #[redacted] and Raye Morales #[redacted] was within Department policy. **Please advise the deputies of this finding.**

The Committee further directed the Unit Commander conduct a debriefing with the involved personnel with an emphasis on "soft clothes" uniform and identification procedures.

RLC:KRK:kk

TABLE OF CONTENTS

Los A eles County Sheriff's Dep ment
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
10-06-01	INDUSTRY STATION	☐	☒

Incident Information

URN: 001-15399-1462-055	Date: 10-06-01 Time: 0021
City or Station: INDUSTRY STATION	Nature of Incident: DEPUTIES WERE CONFRONTED BY A SUSEPCT ARMED WITH A GUN. THE SUSPECT POINTED THE GUN AT THE DEPUTIES AND THEY SHOT THE SUSPECT.
Location: 13107 VALLEY BOULEVARD INDUSTRY, CA. 91746	

Location Type (*circle one or more*): Backyard, Beach, (Business) circled, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, (Street) circled, Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other, (Street Lights) circled

Weather (*circle only one*): (Clear) circled, Cloudy, Fog, Rain

Distance: 6-8 feet

Incident Type (*circle one or more*): Accidental, (Armed Person) circled, (Fleeing Suspect) circled, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, (Observation) circled, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, (Other) circled, Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
14	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]		EM (PM) circled Day	(Regular) circled Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	SCROGGIN	JEFF		(On Duty) circled, (Present during shooting) circled, Witness to shooting, Involved in shooting
[redacted]	BEAMON	JAMES		(On Duty) circled, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	GRACIA	RUBEN	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	JACKSON	DAN	

PSTD Use Only

SH # SH2047138

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 001-15399-1462-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10-06-01	0300 HRS	04-03-02	

Employee #	Last Name	First Name	M.I
[redacted]	HINES	WILLIAM	L.
[redacted]	REYES	HENRY	J.
[redacted]	MANNIS	KARYN	J.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S	FH	BR	9	Y	Y	DH	CH
E#2	S	FH	BR	9	Y	Y	DH	CH
S	E#1	FH	ZZ	9			NN	
S	E#2	FH	ZZ	9			NN	

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 001-15399-1462-055

Involved Employee

E 1

Employee # [redacted]	Last Name HEIECK	First Name SEAN	M.I. A.
Sex: M Race: W	Rank DEPUTY	Unit Assignment: INDUSTRY STATION	Work Assignment (Unit #, Module, etc.): 143E
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting: 8-9	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 5'10" Weight: 210		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name MORALES	First Name RAYE	M.I. D.
Sex: M Race: H	Rank DEPUTY	Unit Assignment: INDUSTRY STATION	Work Assignment (Unit #, Module, etc.): 143E
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 5'10" Weight: 205		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 001-15399-1462-055

Suspect Information

S 1

Last Name GUILLEN	First Name ERNEST	M.I.
AKA Last Name	First Name "LISTO"	M.I.

Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone:	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 29 D.O.B. 09-11-72	Height: 5'7" Weight: 220	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2001-07247	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	
[redacted]	[redacted]	[redacted]	
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
[redacted]	[redacted]		[redacted]

Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

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Street Address	Zip Code	Work Ph	Home Ph

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Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

June 14, 2002

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Dear Captain Merriman:

Re: J.S.I.D. File # 01-0968
L.A.S.D. File # 001-15399-1462-055

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 6, 2001, fatal shooting of Ernest Guillen by Los Angeles County Sheriff's Deputies Sean Heieck and Raye David Morales. We have concluded that Deputies Heieck and Morales acted lawfully in self-defense and the defense of others.

The following analysis is based on Los Angeles County Sheriff's Department Homicide Bureau reports of the incident totaling 188 pages, an examination of the shooting scene and autopsy photographs related to the shooting, the statements of witnesses at the scene, and
our own Bureau of Investigation reports. Deputies Heieck and Morales both gave voluntary statements.

The District Attorney's Command Center was notified of this incident on October 6, 2001 at 1:30 a.m. Assistant Head Deputy John Gilligan and District Attorney Senior Investigator [redacted] responded immediately to the scene at 13107 Valley Boulevard, in the City of Industry. We were given a briefing and a "walk-through" of the scene by Los Angeles Sheriff's Detective Chris Brackpool.

FACTUAL ANALYSIS

On Saturday, October 6, 2001, Deputies Morales and Heieck were part of a team of nineteen deputies, two sergeants and a lieutenant who were working a gang suppression detail in the City of Industry. At approximately 1:00 a.m., Morales and Heieck were in

Criminal Courts Building
210 West Temple Street
Los Angeles, CA 90012-3210
WEBSITE: http://www.co.la.ca.us/da

the west parking lot of Miss Kitty's bar on Valley Boulevard in the City of Industry. They were in an unmarked observation van and were wearing plain clothes.

The two deputies observed members of the Mongols motorcycle gang loitering outside the club. They made radio contact with other members of their team who then began moving towards the group of Mongols. One of the individuals ran into the bar when deputies approached him. Two other deputies followed the suspect into the bar.

Shortly after the deputies entered the building, Heieck and Morales observed a fire door on the side of the building open. A young Hispanic male, later identified as Ernest Guillen, came out the door and ran first south and then north on Valley Boulevard.

The two deputies believed that he was running because he was involved in criminal activity. They followed him in their van, identified themselves as deputies and ordered him to stop. Guillen ignored the orders of the deputies.

As Guillen ran in front of Millers Liquor at 13107 Valley Boulevard, he turned and pointed what appeared to be a semi-automatic pistol directly at the deputies. At that point. the van stopped and both deputies fired their 9-millimeter Beretta pistols at him. Guillen was struck with several rounds and fell to the ground fatally wounded.

Paramedics arrived a few minutes later and pronounced Guillen dead at the scene. A Walther .380 semi-automatic pistol was found next to his body. Guillen was identified by witnesses inside Miss Kitty's. Guillen was a Lomas gang member with two prior prison commitments for robbery and an outstanding arrest warrant for murder in case number GA040566. [redacted] Methamphetamine and a stolen Ruger 9-millimeter pistol were found in Guillen's vehicle.

An autopsy was performed on October 7, 2001 by Deputy Medical Examiner Raffia Djabourian.The cause of death was determined to be multiple gunshot wounds. Guillen was struck by eleven rounds, four of which caused rapidly fatal wounds. There was no soot or stippling at any of the entry wounds. The 9-millimeter Berettas carried by Heieck and Morales were collected. Based on the rounds remaining in each weapon and the casings and projectiles recovered at the scene, it appears that Deputy Heieck fired ten rounds and Deputy Morales fired two rounds.

Civilian witness [redacted] was interviewed. She is a [redacted] at Miss Kittys. [redacted] said that at the time the deputies were coming into Miss Kitty's, Guillen, who she knew as "Listo", approached her and said, "I gotta leave, I gotta get out of here!" [redacted] said she helped him by taking him to an emergency exit on the west side of the building. She said she opened the door and Guillen ran out. She confirmed that "Listo" was an admitted Lomas gang member



CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right to use self-defense actually and reasonably believed (1) that he or she or the person that he or she was defending, was in imminent danger of death or great bodily injury; and (2) that it was necessary under the circumstances to use deadly force to avoid such death or great bodily injury.

Based on what they observed, Deputies Heiek and Morales were correct in attempting to detain Guillen as he fled from the deputies who were entering Miss Kitty's. What they did not know was that they were attempting to detain a potential third strike candidate who had an outstanding murder warrant, a gun on his person, and another gun and illegal drugs in his car.

Both deputies' actions were clearly justifiable under the law. When Heieck and Morales fired, it was in response to Guillen pointing a semi-automatic pistol at them. The deputies had already identified themselves as police officers and ordered Guillen to stop. The deputies had no alternatives to the use of deadly force at that time.

From the information presented to this office by the Los Angeles County Sheriff's Department and our own investigation, the evidence establishes that Deputies Heieck and Morales acted reasonably and lawfully. Based on this conclusion, we are closing our file and will take no further action in this matter.

Very truly Yours,

STEVE COOLEY
District Attorney

By

JOHN FRANCIS GILLIGAN
Assistant Head Deputy
(213) 974-7435

c: Deputy Sean Heieck #[redacted]
Deputy Raye David Morales #[redacted]